

REMARKS

Favorable reconsideration and allowance of this application are requested.

I. Introduction

Claims 21-49 remain pending herein for consideration,¹ of which claims 29-41, 43-46 and 48-49 have been withdrawn from consideration as being directed to patentably distinct species non-elected for prosecution herein. The non-elected claims are being retained in the subject application for possible rejoinder upon allowance of a claim generic to the same.

II. Response to 35 USC §103(a) Issues

The only issues to be resolved in this application are the Examiner's art-based rejections of record. Specifically, the Examiner asserts that claims 21-26 and 47 are unpatentably "obvious" under 35 USC §103(a) from Anton '317 (SI 9600317 A2), and that claims 27-28 and 42 are unpatentable under this same statutory provision from Anton '317 in view of Weber (EP 454104 A1). Applicants respectfully disagree.

Applicants note that independent claim 21 of the subject application defines a biodegradable fibrous support for soil mulching comprising a reinforcing grid associated with at least a part of the support, wherein the grid includes threads comprised of a biodegradable polymer selected ~~chosen~~ from the group consisting of polylactic acid, polycaprolactone, viscose, modified viscose, polyhydroxybutyrate, polyhydroxyalcanoate, and mixtures thereof.

Anton '317 teaches a biodegradable support which is strengthened with a textile. Anton '317 however teaches that the textile/net is made of jute or coconut and needled

¹ Form PTOL-326 incorrectly notes in item 4) that claims 29-49 are pending in the application. This appears to be a mere typographical error and should have referenced pending claims 21-49.

on one or two sides to the biodegradable support. A comparison between Anton '317 and the present invention as defined by independent claim 21 reveals numerous differences. For example, Anton does not teach that the drig includes **threads** formed of a **biodegradable polymer**. Instead, Anton '317 teaches that his grid is formed of jute or coconut textile/net. Anton '317 also does not teach the use of a glue for fastening of the grid. Instead Anton '317 teaches the needling of the layers one to another to form a coherent structure. Applicants note that while Anton '317 does teach spattering of latex, such a disclosure is in relation to the manner in which the seeds are associated with the support, i.e., the seeds are glued by means of the latex on the textile/net. Thus, the only function the spattered glue has is to physically attach the seeds to the textile/net. Thus, even assuming that the Examiner's rationale regarding viscose as a logical alternative to celluloid glue, there is no suggestion in Anton '317 to form **threads** of treated cellulose. Accordingly, withdrawal of Anton '317 as a reference against the present application is in order.

Claims 22-26 and 47 are further patentably distinguishable as Anton '317 does not teach or suggest the attributes defined therein. Withdrawal of the 35 USC §103(a) rejection based on Anton '317 is therefore in order.

The combination of Weber with Anton '317 fails to render "obvious" the subject matter of claims 27-28 and 42. In this regard, Weber clearly describes a product that is different from that defined in claims 27-28 and 42, even if combined with Anton '317. In this regard, applicants note that Weber discloses a fibrous web, but the integrity of the web is not ensured by means of thermobonding fibres but instead by means of a liquid latex (see page 6, lines 26 and 27). In view of the disclosure in Weber it is clear that in spite of the fact that he mentions synthetic fibers, he does not say anything about using the synthetic fibres for bonding the web. In fact, by repeatedly explaining the presence and importance of the latex (page 1, line 52; page 3, lines 3, 9 - 12; page 4, line 20, 24 - 25; etc.) he does not leave a room for any other bonding means than the liquid latex.

Thus, combining Weber with Anton '317 would not yield the present invention. Withdrawal of the rejection advanced under 35 USC §103(a) based on the same is therefore requested.

III. Information Disclosure Statement

The Examiner's attention is directed to commonly owned copending U.S. application Serial Nos. 10/524,136 and 10/524,137 each filed on March 3, 2005 that may be deemed relevant to the herein claimed subject matter. Fortunately, Examiner Palo is examining both this application and each of the '136 and '137 applications. In this regard, an Official Action was issued in the '137 application on August 9, 2007 and can be viewed in the USPTO's PAIR system at http://portal.uspto.gov/external/portal/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QizKLN4gPMATJgFieAfgRqCLGpugijnCBIH1vfV-P_NxU_QD9gtzQ0IhyR0UAtkbpAA!!/delta/base64xml/L0IDU0IKQ1RPN29na21DU1Evb0tvUUFBSVFnakZJQUFRaENFSVFqR0VKemdBIS80SkZpQ28wZWQxaWNvblFWR2hkLXNJZDJFQSEhLzdfMF8xOEwvMS9zYS5nZXRCaW!!#7_0_18L

Similarly, an Official Action was recently issued on August 10, 2007 in the '136 application, and can be viewed in the USPTO's PAIR system at http://portal.uspto.gov/external/portal/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QizKLN4gPMATJgFieAfgRqCLGpugijnABX4_83FT9IKBEpDIQxNDCRz8qJzU9MbISP1jfwz9AvyA3NDSi3NsRAHxEBJg!/delta/base64xml/L0IJSk03dWIDU1IKSi9vQXd3QUFNWWdBQ0VJUWhDRUVJaEZLQSEvNEZH2RZbktKMEZSb1hmckNIZGgvN18wXzE4TC8xMC9zYS5nZXRCaW!!?selectedTab=ifwtab&isSubmitted=isSubmitted&dosnum=10524136&public_selectedSearchOption=

Consideration of the '136 and '137 applications and the references cited therein is requested, for which purpose an appropriate form listing the same is attached.

IV. Conclusion

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

V. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100